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# UNITED STATES DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

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### FORESTRY LAWS OF WISCONSIN

(Through Regular Session, 1913)

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#### PURPOSE OF COMPILATION

There is an immediate and growing demand for information covering the forestry laws of the various States, particularly as to their handling of certain specific subjects. Requests for such information come from a wide variety of sources, including State administrative officers, forestry associations, and other bodies and individuals interested in the advancement of forestry. With the idea of furthering the development of this legislative phase of forestry the compilation has been informally undertaken of such of the laws of the States as bear more or less directly on the practice of forestry.

By arranging and classifying the laws and parts of laws under the headings: "Administration," "Fires," "Taxation," and "Public Forests," it is believed that comparison among the States is materially simplified, while the progress of each State, or lack of it, in these different departments is likewise shown.

The better to accomplish this educative aim, the great mass of timber and tree laws has been purposely omitted, as have the finer points of reference, etc., which a manual intended for legal or general administrative use would very properly include.

#### PART I.—ADMINISTRATION.

SEC. 1494-41, WIS. STAT., 1913. *State board of forestry, personnel; no compensation, expenses.*—There shall be a State board of forestry, consisting of the president of the State university, the director of the State geological survey, the dean of the State agricultural department, the attorney-general, and one other member to be appointed by the governor. Said board shall select its own president and shall perform the duties hereinafter provided;<sup>1</sup> and shall meet on the second Monday in January, April, July and October of each year, and at such other times as may be necessary. They shall receive no compensation except their actual expenses to be audited by the secretary of state and paid out of the State treasury.

SEC. 1494-42. 1. *State forester; qualifications; appointment.*—There shall be a State forester, who shall be a technically trained forester, appointed by the State board of forestry, and whether any candidate for this position is a technically trained forester shall be determined by certificate from the Secretary of the United States Department of Agriculture.

2. *Salary, etc.; clerk, salary of; secretary to board of forestry.*—He shall receive a salary of three thousand six hundred dollars per year,<sup>2</sup> and the actual and necessary traveling and field expenses, incurred in the conduct of his official business, be empowered to appoint a clerk whose salary shall not exceed fifteen hundred dollars per annum; be supplied with suitable offices, be entitled from the superintendent of public property to such stationery, postage, and other office supplies and equipment as may be necessary, be authorized to purchase all necessary field supplies, equipment, and instruments, be furnished by the State all necessary printed forms and notices and the publications hereinafter provided, and shall act as secretary of the State board of forestry.

3. *Administrative and investigative duties; management of State forests, fires, trespass, lectures, etc.; cooperative work; reports.*—He shall, under the supervision of the State board of forestry, execute all matters pertaining to forestry<sup>3</sup> within the jurisdiction of the State, direct the management of the State forest reserve, depute one of his assistants

<sup>2</sup> See, on p. 2, sec. 170m.

<sup>3</sup> The State forester may also be required to assist the railroad commission of Wisconsin in determining the value of lands in connection with certain dams and reservoirs. (Laws 1911, chap. 640, sec. 6.)

<sup>1</sup> The State board of forestry is also charged with certain duties concerning dams and reservoirs. (Laws 1907, chap. 335, sec. 6.)



to act during his absence or disability, collect data relative to forest destruction and conditions,<sup>1</sup> take such action as is authorized by law to prevent and extinguish forest fires<sup>2</sup> and to prevent forest trespass; co-operate in forestry as provided under section 1494-45 of the statutes; and advance as he may deem wise by the issuing of publications and by lectures, the cause of forestry within the State; and may co-operate with the University of Wisconsin in the instruction and training of forest rangers. He shall prepare biennially a report to the State board of forestry on the progress and condition of State forest work, and recommend therein plans for improving the State system of forest protection, management, replacement, and taxation. The State board of forestry shall report biennially a summary of such facts to the governor.

4. *State public parks.*—The care and protection of all lands that have been, or may hereafter be acquired by the State for public park purposes, shall be under the direction of the State board of forestry, and all moneys appropriated for the purposes of the protection and improvement of such parks shall be expended under the supervision of such board of forestry.

SEC. 1494-43a. *Survey of water powers.*—The State forestry commission shall make a survey and examination of all streams in and upon the forest reserve and other State lands under its jurisdiction, with a view to ascertain the available water powers of such streams, and shall include the result of such examination in its report, or may, in its discretion, issue a separate bulletin in relation thereto.

SEC. 1494-45. *Co-operation in forestry.*—The State forester shall, acting under the supervision of the State board of forestry, whenever he deems it necessary to the best interests of the people and the State, co-operate in forest surveys, forest studies and forest protection, and in the preparation of plans for the protection, management, replacement of trees, wood lots and timber tracts with any of the several departments of the Federal or State governments or the governments of other States and with counties, towns, corporations and individuals.

SEC. 1494-46. *Assistant State forester; qualifications; appointment; salary, etc.; duties.*—There shall be an assistant State forester, who shall be a technically trained forester, appointed by the State forester with the approval of the State board of forestry. He shall receive a salary of two thousand dollars per year, and the actual and necessary traveling and field expenses, incurred in the conduct of his official business. He shall perform such duties as may be assigned to him by the State forester, and shall represent the latter in case of disability or absence.

SECS. 1494-52 TO 1494-54. *Trespass agents.*<sup>3</sup> \* \* \*

<sup>1</sup> The geological and natural history survey of the State is, independently, charged with making a study of the forests of the State, with reference to their cultivation and preservation. (Sec. 392j-1, Wis. Stat., 1913.)

<sup>2</sup> See also the fire duties of the State forester which are shown in Part II.—Fires, p. 3.

<sup>3</sup> See these sections on pp. 8, 9, for additional duties of the State forester and assistant State forester as, ex officio, State trespass agent and assistant State trespass agent.

SEC. 1494-55. *District attorneys to prosecute.*—Whenever an arrest shall have been made for any violation of any provision of sections 1494-41 to 1494-64 [62], inclusive, or whenever any information of such violation shall have been lodged with him, it shall be the duty of the district attorney of the county in which the criminal act was committed to prosecute the offender or offenders. If any district attorney shall fail to comply with the provisions of this section, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than thirty days nor more than one year, or both in the discretion of the court. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects without cause to issue a warrant for the arrest and prosecution of any person or persons when complaint, under oath, of violation of any terms of sections 1494-41 to 1494-64 [62], inclusive, has been lodged with him.

SEC. 1494-62. *Appropriation.*—There is hereby appropriated out of any funds in the State treasury not otherwise appropriated an annual appropriation of thirty-five thousand dollars to pay the annual salaries provided by the terms of sections 1494-41 to 1494-64 [62], inclusive, of the statutes, and for carrying out the provision of such sections of the statutes. If all of said sum be not expended in any one year the balance not so expended may be used for the purpose aforesaid in any subsequent year.

SEC. 170m. *Salary of State forester.*—[The salaries and compensations of the following-named officers of the State are fixed at the annual sum for each respectively as herein provided, to wit:] The State forester, three thousand six hundred dollars;

4. *Subordinate employes; appointment, duties, salaries.*—The officers enumerated in this section shall be reimbursed for actual and necessary traveling expenses incurred by them in the discharge of their official duties. The \* \* \* State forester \* \* \* shall each have authority—subject to the provisions of sections 990-1 to 990-32,<sup>4</sup> inclusive, of the statutes, in cases where the provisions of said sections are intended to apply, and subject to the approval of such other officer or body as may be required by law—to appoint such deputies, assistants, clerks, stenographers, and employes, as shall be necessary to properly perform and discharge the duties, functions, and obligations imposed by law upon the respective office, commission, board or body, to prescribe their duties and designate their respective titles, and the persons so appointed shall be paid out of the State treasury such salary or compensation as shall be fixed by the officer or officers making the appointment and shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of their duties; provided, that the deputies, assistants or other subordinates of the officers enumerated above shall possess the power and authority now conferred, or that may hereafter be conferred, upon them by law and shall perform such duties as may be required by law or by the officer or officers by whom appointed and shall be paid the salary or

<sup>4</sup> These sections concern the State civil service.

compensation fixed by the appointing officer or officers unless a specific salary or compensation is provided by law. \* \* \*

6. The salary or compensation and expenses paid to any officer, deputy, assistant, clerk, stenographer, or employe, shall be charged against the proper appropriation for the respective office, commission, board or body, with which the person receiving the same is connected.

## PART II.—FIRES.

### (1) PROTECTIVE SYSTEM.

SEC. 1494-47. *State and town fire wardens.*—The State forester shall also be State fire warden, and the assistant State forester shall be assistant State fire warden. The chairman of the town boards of the different towns in the State shall be the town fire wardens for their respective towns, and the superintendents of highways for the different road districts within the different towns shall be assistant town fire wardens for their respective towns. The State fire warden shall give the necessary instructions to all fire wardens and supervise the execution of their work.

SEC. 1494-47a. *Control of State force; emergency appointments.*—The State fire warden shall have general charge of the fire warden force of the State and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In cases of emergency, or when a town shall have no highway superintendents, or the town shall be unusually large, the State fire warden may, on recommendation of the town chairman, appoint, temporarily, needed fire wardens, whose duties and authority shall be the same as herein provided for town and assistant town fire wardens.

SEC. 1494-48. 1. *Fire wardens to check and prevent fires; arrests without warrants; authority to impress citizens.*—Each fire warden,<sup>1</sup> before entering upon his duties, shall take an oath of office and file the same with the State fire warden. All fire wardens shall take prompt and effective measures against the spread and illegal setting of forest, marsh or swamp fires within their towns and districts and shall have the power of sheriffs to arrest without warrant for violations of the provisions of sections 1494-47 to 1494-51, inclusive, and 4405a,<sup>2</sup> and of any sections of the statutes relating to setting, failure to extinguish or care of fires. They shall have authority to call upon any able-bodied citizen, in territory in which they act, to assist in extinguishing forest, marsh, swamp, and other running fires in such manner as they may direct.

2. *Compensation and rewards.*—Those assisting either the town or assistant town fire wardens in the extinguishing of forest, marsh, swamp and other fires shall receive compensation for their services at not more than twenty cents per hour for the time actually employed. The State

forester is authorized to approve for payment not to exceed fifty per cent of the clear proceeds of any fine collected in an action brought for a violation of any of the provisions of sections 4405a or 4406<sup>1</sup> of the statutes, relating to setting, failure to put out or care of fires, where the evidence to secure a conviction is furnished by a town fire warden, an assistant town fire warden, or any other person.

3. *Payments.*—No payment shall be made to any claimant under this section until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be audited and approved by the town board. The town board shall thereupon direct the town clerk to issue a warrant upon the town treasurer for the sum to which such claimant is entitled, and the town treasurer shall pay the same.

4. *Expense of fire-fighting; tax levy.*—The expense of preventing or extinguishing forest, marsh, swamp or other running fires by the town or assistant town fire wardens, and by those called upon by either of said fire wardens to assist them, shall be borne by the road district or districts within which the expense was incurred, and the superintendent of highways of each road district, or if there is no such superintendent then the town board, may levy and assess a tax for defraying such expense. Such tax shall be collected in the same manner as other taxes, and such tax when so collected shall be paid into the town treasury from which such expense is paid.

SEC. 1494-48a. 1. *Emergency wardens and employes; compensation; how paid.*—Each fire warden, appointed by the State fire warden to act in case of emergency, shall receive for his actual services rendered, two dollars per day, one-half of which shall be paid by the county where such service is performed, and one-half by the State; and any employe engaged by the State fire warden, or by any fire warden appointed by the State fire warden to assist in preventing or suppressing forest, swamp, marsh or other running fires shall receive for such services not more than twenty cents per hour, and said expense shall also be paid, one-half by the county where such service is performed, and one-half by the State.

2. No payment shall be made to any claimant under this section until he shall have presented an itemized account, and made oath or affirmation that said account is just and correct, which account shall be approved by the county board, and audited by the county clerk. The county clerk shall thereupon issue to such claimant his warrant upon the county treasurer for the sum to which such claimant is entitled, and the county treasurer shall pay the same.

3. *\$5,000 limit.*—The county clerk shall transmit the original oath and copy of the warrant to the secretary of state, who shall audit such claim, and one-half thereof shall be paid out of the general fund of the state treasury by warrant issued by the secretary of state upon the State

<sup>1</sup> Assistants appointed by the State park board have all the powers of State and town firewardens as provided in sections 1494-48 to 1494-51, inclusive, and such powers apply to State parks. (See Wis. Stat., 1913, sec. 1494t-3m., subsec. 18.)

<sup>2</sup> See p. 6.

<sup>1</sup> See p. 6.



treasurer in favor of the county which paid such claimant, and such amount shall be forwarded to the county treasurer of such county. However, no county shall expend more than five thousand dollars under this section in any one year.

SEC. 1494-49. *Refusal of wardens to perform duties, or of citizens to assist; penalty.*—Any fire warden who shall refuse to carry out the provisions of section 1494-48, or any able-bodied citizen who shall refuse to render assistance as provided by said section, shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than ten days or more than thirty days, or by both such fine and imprisonment.

SEC. 1494-50. *Fire danger notices.*—Each town fire warden and assistant town fire warden shall post or cause to be posted conspicuously, in those parts of his town or district where fires are likely to occur, all notices furnished him for that purpose by the State fire warden.

SEC. 1494-51. *Reports of wardens.*—Every assistant town fire warden, immediately after each fire within his district shall forward to the State fire warden and to the town fire warden a detailed report of said fire. The town fire warden shall report to the State fire warden, annually, on or before the first day of December, a summary of all forest fires within their towns or districts during the year and such other matters as the State fire warden may direct.

SECS. 1494-54; 1494-55. *Arrests.*<sup>1</sup>—\* \* \*

SEC. 1494-56. *Destruction of warning notices.*—Any person who shall maliciously or wilfully destroy, deface, remove or disfigure any sign, poster, or warning notice posted under the provisions of sections 1494-41 to 1494-64 [62], inclusive, shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than fifteen dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than ten days nor more than three months, or by both such fine and imprisonment.

SEC. 1494-58. *Civil liability.*<sup>2</sup>—\* \* \*

SEC. 1498. 1. *Fish and game warden, fire duties; trespass reports.*—\* \* \* He [the State fish and game warden] shall also perform the same duties as are in section 1636c<sup>3</sup> prescribed for fire wardens, and shall further report to the land commissioners any information relating to the State lands as shall from time to time be required and concerning any trespasses thereon which may come to his knowledge. \* \* \*

SEC. 1498b. 2. *County wardens, fire reports.*—All deputy or special [county] wardens shall make to the State fish and game warden full and complete reports of their transactions as such, \* \* \*. They shall also promptly make reports concerning forest fires and any trespasses upon the public lands that may come to their knowledge. \* \* \*

SEC. 1498b-2. *Fish and game warden and special deputy and county wardens made fire wardens.*—The State fish and

game warden appointed under the provisions of section 1498, all special deputy wardens appointed under the provisions of section 1498a<sup>4</sup> and all county wardens appointed under section 1498b, are hereby appointed and created fire wardens within the meaning and under the provisions of sections 1498 to 1498b-2, inclusive. No compensation shall be paid fish and game wardens acting as fire wardens under the provisions of this act other than that received as game wardens.

SEC. 832. *Duties of town clerk.*—It shall be the duty of the [town] clerk:

(13) To read to the people assembled at the annual town meeting, at the time fixed for the transaction of town business, the provisions of these statutes relating to the protection of life and property against forest fires.

## (2) RAILROAD FIRES.

SEC. 1494-57. 1. *Screens or wire netting on smokestacks; ash pans and fire boxes; logging locomotive defined.*—Between March first and December first it shall be unlawful for any logging locomotive, donkey, traction, or portable engine, and all other engines, boilers, and locomotives, except railway locomotives, operated in, through, or near forest, brush, or grass land, which do not burn oil as fuel, to be operated without a screen or wire netting on top of the smokestack and so constructed as to give the most practicable protection against the escape of sparks and cinders from the smokestacks thereof, and each such engine shall be provided with the most practicable devices to prevent the escape of fire from ash pans and fire boxes. The term logging locomotives as used in this section shall be construed to mean any locomotive operated on a railroad branch, line, or division, the chief or main business of which is the transportation of logs, lumber, or other forest products.

2. *Spark arresters; employes to examine locomotives.*—All locomotives operated on any railroad other than a logging railroad shall be equipped with the most practicable spark arresters so constructed as to give the greatest possible protection against the escape of sparks and cinders from the smokestacks thereof, and each such engine shall be provided with the most practicable device to prevent the escape of live coals from ash pans and fire boxes, and said devices, between March first and December first shall at all times be maintained in good repair. It shall be the duty of the superintendent of motive power or equivalent officer of each such railroad to designate an employe of such railroad at each division point and roundhouse who shall examine each locomotive each time it leaves the division point or roundhouse between March first and December first, and such employe shall be held responsible for the proper carrying out of the provisions of this subsection, but without relieving the company from its responsibility hereunder.

3. *Locomotive inspector, powers; appeal.*—Any locomotive inspector designated by the State board of forestry shall have the power to reject from service immediately

<sup>1</sup> See these sections, on pp. 9, 2, for provisions concerning arrests and prosecutions.

<sup>2</sup> See this section, on p. 5, for civil liability for fires.

<sup>3</sup> Sec. 1636c repealed and replaced by secs. 1494-47, 1494-48, and 1494-49. (See above, pp. 3 and 4.)

<sup>4</sup> For sec. 1498a, and also sec. 1498b-1, see Wis. Stat., 1913.

any locomotive, donkey, traction, or portable engine which, in the opinion of the said inspector, is deficient in adequate design, construction, or maintenance of the fire protective devices designated in subsections 1 and 2 of this section, and any such locomotive, donkey, traction, or portable engine so rejected from service shall not be returned to service until such defects have been remedied to the satisfaction of the State board of forestry. In case of disagreement between said inspector and the owner of the locomotive, donkey, traction, or portable engine so rejected from service as to the efficiency or proper maintenance of said protective devices, then the owner of said locomotive, donkey, traction, or portable engine may appeal to the railroad commission of Wisconsin for a decision of said matter, but pending such decision the said locomotive, donkey, traction, or portable engine shall not be returned to service.

4. *Clearing right of way.*—Every corporation maintaining and operating a railway shall, at least once in each year, cut and burn or remove from its right of way all grass and weeds and burn or remove therefrom all brush, logs, refuse material, and debris within a reasonable time, and whenever fires are set for such purpose, shall take proper care to prevent the escape thereof from the right of way.

5. *Combustible deposits on track.*—No such corporation shall permit its employes to deposit fire, live coals, or ashes upon their tracks outside of the yard limits, except they be immediately extinguished.

6. *Employes to report fires; instructions to section employes; fire notices; railroads to concentrate help, etc.*—Engineers, conductors, or trainmen who discover that fences or other material along the right of way or on lands adjacent to the railroad are burning or in danger from fire, shall report the same to the agent or person in charge at their next stopping place at which there shall be a telegraph station. Corporations maintaining and operating railways shall give particular instructions to their section employes for the prevention and prompt extinguishment of fires, cause notices, which shall be furnished by the State forester, to be posted at their stations, and when a fire occurs along the line of their road, or on lands adjacent thereto, for which fire they are responsible, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress.

7. *Railroad fire patrol, duties of company and of State board of forestry, cost, civil and criminal action; neglect to extinguish fires, a misdemeanor.*—All such corporations, during a dangerously dry season, and when so directed by the State board of forestry, shall provide fire patrols for duty along their tracks. Whenever the State board of forestry shall deem it necessary they may order such corporations to provide for patrolmen to follow each train throughout such districts as may be necessary to prevent fires. When the State board of forestry has given a corporation such notice that in its opinion the conditions require such patrol after trains, the corporation shall immediately comply with such instructions throughout the districts designated; or in their failure to do so, the State

board of forestry may employ patrolmen, and furnish them with the necessary equipment to patrol the rights of way of such corporations, and the expense of the same shall be charged to the corporation and the same may be recoverable in a civil action in the name of the State of Wisconsin, and in addition thereto, the said corporation shall be deemed guilty of a misdemeanor. It is also made the duty of such corporation, acting independently of such State board of forestry, to patrol their rights of way after the passage of each train when necessary to prevent the spread of fires and to use the highest degrees of diligence to prevent the setting and spread of fires, and it is also made the duty of its officers and employes operating trains in this State, to use diligence in the extinguishment of fires set by locomotives or found existing upon their respective rights of way, and any negligence in this regard shall render such corporation or any officer or employe thereof guilty of a misdemeanor.

8. *State board of forestry to inspect engines.*—The State board of forestry is authorized to inspect any locomotive, donkey, or threshing engine, railway locomotive, and all other engines, boilers, and locomotives operated in, through or near forest, brush, or grass land and to enter upon any property for such purpose, or where they may deem it necessary in order to see that all the provisions of this section are duly complied with.

9. *Penalties for violations of requirements.*—Any person wilfully failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Any corporation, by its officers, agents, or employes, wilfully violating the provisions of this section, shall be liable to a fine of not less than fifty dollars nor more than five hundred dollars for each and every such violation, to be collected in a civil action in the name of the State.

10. *Appeal to railroad commission concerning fire protection devices.*—In case the State board of forestry and any corporation or individual operating any locomotive, donkey, or threshing engine, or any engine, boiler, or locomotive can not agree as to the most practicable device or devices for preventing the escape of sparks, cinders, or fire from smokestacks, ash pans or fire boxes, then the same shall be determined by the railroad commission of Wisconsin.

11. *Exemption.*—The State board of forestry shall have the power to exempt from the provisions of subsections 1, 2, 3, and 4 of this section any railroad, when, in the judgment of said State board of forestry, conditions along the right of way are such that the reduced fire hazard renders such protective devices unnecessary.

SEC. 1494-58. *Civil liability for forest fires.*—In addition to the penalties provided in section 1494-57, the United States, the State, the county or private owners, whose property is injured or destroyed by such fires, may recover, in a civil action, double the amount of damages



suffered, if the fires occurred through wilfulness, malice or negligence. Persons or corporations causing fires in violation of sections 1494-41 to 1494-64 [62], inclusive, shall be liable to the State in an action for debt, to the full amount of all damages done to the State lands and for all expenses incurred by the towns fighting such fires.

SEC. 1816a. 1. *Damages for fires caused by locomotives or spreading from roadbed; insurable interest.*—Each railroad corporation owning or operating a railroad in this State shall be responsible in damages to every person and corporation whose property may be injured or destroyed by fire communicated directly or indirectly by locomotive engines, in use upon the railroad owned or operated by such railroad corporation, or by the burning of grass, weeds or rubbish on right of way by employes of such corporation, and each such railroad corporation shall have an insurable interest in the property upon the route of the railroad owned or operated by it, and may procure insurance thereon in its own behalf for its protection against such damages.

2. *Action to recover damages; evidence; measure of damages.*—Whenever the property owned by any person or corporation shall be injured or destroyed by fire communicated by locomotives in use upon any railroad owned or operated by a railroad corporation, or by the burning of grass, weeds and rubbish on the right of way by employes of such corporation, so as to render the railroad corporation liable, under subsection 1 of this section, or otherwise, the owner of such property injured or destroyed may recover damages for such loss, and to recover the same it shall only be necessary for him to prove the loss of or injury to his property, and that the fire originated in the manner hereinbefore stated. If such corporation fails or neglects to pay such damage within sixty days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by such corporation in the county where such loss or injury occurred, such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by him in any court of competent jurisdiction. If such company shall, within sixty days, offer in writing to pay a fixed sum, being the full amount of the damages sustained, and the owner shall refuse to accept the same, then in any action thereafter brought for such damages, when such owner recovers a less sum as damages than the amount so offered, then such owner shall recover only his damages, and the railway company shall recover its costs.

SEC. 1816b. *Limitation of actions for fires.*<sup>1</sup> \* \* \*

### (3) FALLOW AND OTHER FIRES.

SEC. 1636a. *Order for close season, notice; penalty for violation.*—Whenever the supervisors of any town shall be satisfied that the burning of grass, stubble, logs or brush on any lands therein will be a source of public danger they

shall make an order in writing, which shall be signed by them, prohibiting the burning thereof on any such lands during such period as they shall deem best for the public interest, which order shall be revoked by them as soon as the cause for making it shall cease to exist. Such order shall be published at least once in a newspaper published in such town, if one be published therein, and if not it shall be posted in three of the most public places therein at least three days before it shall be in force. Like notice shall be given of the revocation of the order, and such revocation shall be effectual from the time notice of it is given. Any person who shall violate any such order shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or by both fine and imprisonment.

SEC. 4405a. 1. *Notice of close season.*—Whenever the town board of any town deems it imprudent to set fires upon any land within the town or district they shall post or cause to be posted notices in five public places in each township in such town or district forbidding the setting of fires therein, and after the posting of such notices no person shall set any fire upon any land in said town or district, except for warming the person or cooking food, until written permission has been received from one of the fire wardens of said town.

2. *Camp fires; penalty.*—All persons who start camp fires upon any land in this State shall exercise all necessary precautions to prevent damage therefrom, and shall entirely extinguish the same before leaving them. Every person violating any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail not more than six months for each offense.

SEC. 4406. *Failure to extinguish fires, penalty; wilful or negligent setting of fires, penalty.*—Any person who shall build a fire on any lands in this State not his own or under his control, except as hereinafter provided, shall, before leaving the same, totally extinguish it, and upon failure to do so shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. Any person who shall wilfully or negligently set fire to or assist another to set fire on any land, whereby such land is injured or endangered, or shall wilfully or negligently suffer any fire upon his own land to escape beyond the limits thereof, to the injury of the land of another, shall be punished as hereinbefore provided and be liable to the person injured for all damage that may be caused by the fire.

### PART III.—TAXATION.

SEC. 1494-101. *Forest tree plantations exempted from taxation; thinning out after 10 years.*—In consideration of the public benefit to be derived from the planting and cultivation of timber or forest trees, the owner of any tract of land in this State who shall set apart any specific portion thereof, not exceeding forty acres, for forest culture and plant the same with timber or forest trees, not less than

<sup>1</sup> See this section, in Wis. Stat., 1913, for provisions concerning limitation of actions against railroad companies for injuries caused by fires from locomotives.



one thousand two hundred to the acre, shall be exempted from taxation for the period of thirty years from the time of such planting to timber or forest trees. Such exemption shall only be allowed on condition that said planted trees are kept alive and in a healthy condition. A statement or return of such plantings shall be made to the assessors when making the annual assessment, which returns shall be verified by the assessors and made the basis of such tax exemption. After said trees have been planted ten years, the owner may, without waiving the tax exemption, thin out the same so that not less than six hundred trees shall be left upon each acre.

SEC. 1494-102. *Applicant for exemption to make and file plat.*—A description and plat of all lands so planted shall be made in duplicate by the person applying for an exemption under the provisions of sections 1494-101 to 1494-111, inclusive. One copy of said description and plat shall be filed with the town clerk of the town in which said land is located and the other copy of said description and plat shall be filed in the office of the State forester at Madison, on or before the first day of May of the year in which such exemption shall first be claimed.

SEC. 1494-103. *If plantations do not conform, forester to cancel exemption.*—The State forester is hereby authorized upon a written complaint being filed in his office that an exemption has been allowed on any plantation which has not been established or maintained in conformity with the provisions of section 1494-101, to determine whether the facts as set forth in the complaint are just and true, and if he shall find such complaint to be true he shall cancel such exemptions by filing a statement to that effect with the town clerk of the town in which such plantation is located, and thereupon such plantation or so much thereof as is not so established and maintained, shall cease to be exempt from taxation until the same shall be replanted, and otherwise brought within the conditions of sections 1494-101 to 1494-111, inclusive.

SEC. 1494-104. *Exemption within two miles of city or village.*—Said exemption, as provided in section 1494-101, shall not apply to any lands within two miles of the limits of any incorporated city or village except upon written approval of the State forester, filed with the town clerk of the town in which such land is located.

SEC. 1494-105. *Exemption privilege inviolable.*—The planting of a tract in forest trees in compliance with the provisions of section 1494-101 to 1494-111, inclusive, and the filing of the description and plat of the tract so planted as provided in section 1494-102, shall be taken and deemed to be an acceptance by the person planting the same of the exemption privilege granted in sections 1494-101 to 1494-111, inclusive, and of the conditions imposed by said sections upon such privilege; and, in consideration of the public benefit to be derived from the planting, cultivation and growth of such trees, the exemption of such land from taxation as herein provided shall be continued and is hereby assured, and the right to such exemption shall be inviolable and irrevocable as a contract obligation of the State, so long as the owner of the land so planted shall

fully comply with and perform the conditions aforesaid, not exceeding said period of thirty years.

SEC. 1494-106. *Valuation of land prior to planting.*—Any person intending to plant a tract of land in forest trees so as to secure the exemption privilege provided in sections 1494-101 to 1494-111, inclusive, may have the value thereof determined in advance of such planting by the board of review of the town in which such tract is located. To procure such determination such person shall file in the office of the clerk of such town an application in writing containing a declaration of such intention, a correct description of the lands included in such tract and a request that the valuation thereof be determined by such board under the provisions of sections 1494-101 to 1494-111, inclusive. Said board at their first meeting after the filing of such application shall proceed to determine such value. For that purpose they shall have authority to summon witnesses and take testimony under oath. They may require such lands to be viewed by one or more members of such board, and may adjourn the matter for such time as may be necessary in order to secure needful testimony or information respecting the value of such tract. If such board shall determine the average value of such tract to be not over ten dollars per acre, such determination shall be final for all purposes of sections 1494-101 to 1494-111, inclusive, as to so much of such tract as shall be planted with forest trees in accordance with the requirements of sections 1494-101 to 1494-111, inclusive, within two years after such determination. But if the board shall determine such value to be more than ten dollars per acre, the owner of such tract shall not be precluded from making a new application in any subsequent year.

SEC. 1494-107. *Town board of review's meeting for valuation.*—The person filing such application shall be entitled to have the value of such tract determined without delay and before the said board shall be convened for other purposes by including in his application a request that such determination be so made and by depositing with the town clerk a sum sufficient to defray the compensation of the members of said board for one day's attendance. The clerk shall thereupon fix a time at the earliest practicable date for a special meeting of such board to act upon such application, and shall give notice thereof to each member of said board, to be served by or at the expense of the applicant, in time to enable each member to be present. Such meeting shall be at the place fixed by law for the regular meetings of said board. The members of the board shall attend at the time and place designated in such notice and the board shall thereupon proceed to determine the value of such tract in the manner hereinbefore provided.

SEC. 1494-108. *Town clerk to record valuations.*—The town clerk shall make a record of the proceedings and determination of the board of review upon each application under the foregoing provisions and shall enter the same in the book containing the record of other proceedings of said board. The record of each determination shall include a description of the lands to which such determination relates. Such record shall be prima facie evidence of the

facts therein stated, but failure to make the same shall not affect the validity of the action of the board.

SEC. 1494-109. *Valuation after planting; if exemption denied, forester to hear appeals.*—When a tract of land shall have been planted in trees under the provisions of sections 1494-101 to 1494-111, inclusive, without previous determination of the value thereof as hereinbefore provided, the allowance by the assessor and board of review, or by the board of review, of the exemption thereof under the provisions of sections 1494-101 to 1494-111, inclusive, shall be deemed to include a determination by such board that the value of such land at the time of planting did not exceed ten dollars per acre; and such determination shall have the same effect as if made before such planting. If such exemption shall be disallowed, the action of the board of review disallowing the same may be reviewed by the State forester. To secure such review the claimant of such exemption shall file with the State forester an application in writing containing a description of the lands, a statement of the facts on which such exemption is claimed and of the disallowance thereof by such board, and a request for the review of such action by the State forester. Such application shall be accompanied by an undertaking on the part of the applicant with one or more surties, approved by the chairman or clerk of the town, for the payment of the expense of said forester upon such review in case the exemption claimed shall be disallowed by him. The State forester shall thereupon give notice of a time and place within the town at which he will hear the matter and any testimony that may be offered in relation thereto. A copy of such notice shall be mailed to the chairman and clerk of the town and to such applicant at least ten days before the time fixed in such notice. Said forester may adjourn such hearing from time to time if necessary, by filing notice thereof with the town clerk. He may review and inspect the premises and may summon and examine witnesses under oath. His determination shall be made in writing and filed with the town clerk as soon as practicable. Such determination upon written approval of the State tax commission shall be final, but if adverse to the claimant, it shall not preclude him from applying for like exemption in any subsequent year upon compliance with the requirements of sections 1494-101 to 1494-111, inclusive.

SEC. 1494-110. *Thirty years' exemption.*—After the exemption provided in sections 1494-101 to 1494-111, inclusive, has once been allowed it shall continue for the period specified in sections 1494-101 to 1494-111, inclusive, unless canceled by the State forester as provided in section 1494-103.

SEC. 1494-111. *Corporations, etc., entitled to privilege.*—Any corporation, copartnership or other association of persons, as well as individuals, shall be entitled to the exemption rights and privileges herein provided, upon compliance with the conditions and requirements of sections 1494-101 to 1494-111, inclusive.

SEC. 1092m. *Forest reserve lands.*<sup>1</sup>— \* \* \*

<sup>1</sup> See this section, on p. 9, for provisions concerning taxation of forest reserve lands.

## PART IV.—STATE FOREST LANDS.

### (1) STATE FORESTS.

SEC. 1494-43. 1. *Creation of State forest reserve; sale and exchange of reserve lands.*—The sale of all lands belonging to the State north of town thirty-three shall cease upon the passage of this act, and such lands and all lands reverting to the State north of town thirty-three and all State lands within the Menominee, Stockbridge, and Munsee Indian reservations shall constitute the State forest reserve; provided that those State lands within said forest reserve which after examination by the State forester are found by him to be more suitable for other purposes than for the purposes of the State forest reserve, because of their character, condition, extent, or situation, shall be sold by the commissioners of the public lands, upon the recommendation of the State forester and with the approval of the State board of forestry. The State board of forestry is also authorized to exchange lands upon the basis of equal value as determined by them.

2. *Management of reserve, assistance, conservative lumbering, nurseries, fire lines, etc., sale of wood, timber, etc.*—The State forester shall, under the supervision of the State board of forestry, direct the management of the State forest reserve, to which end he may employ the necessary assistance, and may upon said reserve institute conservative lumbering, make and maintain forest nurseries, plantations, and fire lines, and execute other silvicultural and protective measures necessary to the highest permanent usefulness of said reserve to the State. In such conservative lumbering the State forester is authorized, under the supervision of the State board of forestry, to remove or cause to be removed and sell, when and in such manner as he may deem advisable, wood, timber, or other products from said reserve.

3. *Advances to State forester to pay temporary laborers.*—The State treasurer is hereby authorized to appoint the State forester as a special fiscal agent of the treasury department. When the State forester shall have deposited satisfactory security with the State treasurer, there shall be advanced to the State forester from the forest-reserve fund not to exceed five hundred dollars, and at no one time shall such advances amount to more than five hundred dollars. The State forester shall use such advances only in paying temporary laborers upon the forest reserve, and upon the presentation of receipts properly executed, the State treasurer shall relieve the State forester from all liability for the amounts covered by such receipts.

SEC. 1494-44. *Grants of land for State forest reserve.*—The State board of forestry is hereby authorized, when in its judgment it is advisable, to accept on behalf of the State any grant of land within the State, which shall become a part of the State forest reserve; provided, that no such grant shall be accepted until its title has been examined by the attorney-general and a report made to said board of the results of such examination.

SEC. 1494-52. *Trespass agents; fees.*—The State forester shall also be State trespass agent and the assistant State



forester, assistant State trespass agent. As State trespass agent, the State forester shall appoint, and may remove from office, such trespass agents as he may deem expedient. He shall give the necessary instructions to said trespass agents and shall supervise the execution of their work. The State forester is authorized to approve for payment to any trespass agent or other person, upon whose evidence successful action is brought for trespass upon any portion of the State forest reserve, not to exceed twenty-five per centum of the amount collected for such trespass, which payment shall be made by the State treasurer; provided, that in no case shall such payment exceed five hundred dollars.

SEC. 1494-53. *Oath and liability of trespass agents.*—Every person appointed as trespass agent under authority of section 1494-52, shall, before entering upon his duties, take and subscribe the following oath of office: "I do solemnly swear that I will support the Constitution of the United State and of the State of Wisconsin; that I will not engage, either directly or indirectly, in the purchase for my own benefit or for the benefit of any other person, of any State lands or products from said lands, so long as I remain a trespass agent; and that I will faithfully and to the best of my ability discharge the duties of such position, so help me God." Such oath of office shall be filed with the State forester. Any trespass agent who violates the terms of his oath regarding the purchase of State lands or products therefrom, shall be punished by a fine of not less than three times the price paid for said land, or three times the market value of said products, or by imprisonment in the county jail for not less than thirty days or more than ninety days or by both such fine and imprisonment.

SEC. 1494-54. *Powers of trespass agents to arrest without warrant; reports.*—All trespass agents shall have the power of sheriffs to arrest without warrant for any violation of the provisions of sections 1494-41 to 1494-64 [62], inclusive. It shall be the duty of every trespass agent to immediately report to the State forester and the district attorney of the county in which such trespass is committed, all cases of trespass upon State lands, which come to his knowledge, and to furnish these officers with information required by them concerning said trespass.

SEC. 1494-59. *Criminal action; forest trespass.*—Every person who, unlawfully cuts, or injures any kind of wood or timber standing, lying or growing upon the lands of another, or of the State, or of the United States, or upon any public highway, or unlawfully and wilfully injures or destroys or carries away any of the products of such wood or timber lands is guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars nor more than one thousand dollars, or be imprisoned not less than fifteen days nor more than three years, or by both such fine and imprisonment.

SEC. 1494-60. *Civil liability for forest trespass.*—In addition to the penalties provided in section 1494-59 for wilful trespass on forest lands, the State, the county or the private owners upon whose lands the wilful trespass was committed, may recover in a civil action double the amount

of damages suffered. This section shall not apply to the cutting of wood or timber from uncultivated woodland for the repair of a public highway or bridge upon or adjacent to the land.

SEC. 1494-61. *Forest reserve fund.*—All moneys received from the sale of wood, timber, minerals, or other products, and from the sale of State forest reserve lands, and penalties for trespass thereon, as hereinbefore provided, except when otherwise disposed of by constitutional provision, shall be paid into the State treasury and shall constitute a forest reserve fund which shall be disbursed only for the purchase of lands to be added to the State forest reserve and for defraying the necessary expense incident to the examination of title to such lands and for the improvement and protection of said reserve and for the employment of the necessary assistance therefor, as hereinbefore provided, by or upon the order of the State forester, with the approval of the State board of forestry.

SEC. 160f. *Interest from forest reserve and forest-reserve income funds.*— \* \* \* The total interest by all depositories shall be apportioned by the State treasurer among, added to and become a part of the several funds as follows: \* \* \* that received from the forest reserve fund and the forest reserve income fund, to the forest reserve income fund; according to the average amount of each such fund on hand the first day of each month.

SEC. 1092m. 1. *Taxation of forest-reserve lands.*—As soon as practicable after the passage of this act and on or before the first day of May in each year hereafter, the State forester shall file with the tax commission a list of the forest reserve lands owned by the State of Wisconsin within the following counties or portions of counties: In Forest county all that portion situated north of the north line of township thirty-seven (37) north; in Oneida county all that portion north of the north line of township thirty-seven (37) north except the east half of township thirty-eight (38) north, range nine (9) east, the south two-thirds of township thirty-eight (38) north, range ten (10) east, township thirty-eight (38) north, range eleven (11) east, and township thirty-nine (39) north, range six (6) east; in Vilas county all except the south half of township forty (40) north, range six (6) east, township forty (40) north, range ten (10) east, township forty-one (41) north, range ten (10) east and the north two-thirds of township forty-one (41) north, range eleven (11) east; in Iron county township forty-one (41) north, ranges two (2), three (3) and four (4) east and townships forty-two (42) and forty-three (43) north, range four (4) east; in Price county townships thirty-eight (38), thirty-nine (39), and forty (40) north, range three (3) east; and the State forester shall designate the town and county in which such lands are situate.

2. On or before the first day of November of each year the tax commission shall assess and determine the value of the lands referred to in subsection 1 of this section, and said commission shall cause to be filed with the several town and county clerks of each town and of each county within which any of such lands are situated a certified

list of such lands and of the value so placed upon the same by said tax commission.

3. The said lands shall be included in the tax roll of each of said towns and shall be subject to taxation for all except State purposes at a rate not to exceed one and one-quarter per centum of the assessed value in said several towns and the State of Wisconsin hereby expressly consents to such taxation of such lands, for the reason that these lands are within the boundaries of the proposed permanent forest reserve.

4. The several town treasurers, upon receipt of the tax roll of each year, shall immediately certify to the secretary of state the amount of the tax due from the State upon said lands, and thereupon there shall be paid to such town treasurers by the State treasurer the amounts so due.

5. The assessor of incomes of each county in which any such lands are situated may apply for reassessment under the provisions of section 1087-45<sup>1</sup> of the statutes or may appeal from the equalization of the county board in accordance with the provisions of sections 1077a to 1077l<sup>1</sup> of the statutes.

6. There is appropriated out of any money in the State treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this section.

SEC. 1494-121. *State lands and timber in Indian reservations; appraisal.*—The State board of forestry of Wisconsin are hereby authorized in their discretion to cause an appraisal to be made of all State lands and the timber thereon which are included within any of the several Indian reservations in Wisconsin and to pay for said appraisal from the forest reserve fund.

SEC. 1494-122. *Report.*—The results of said appraisal shall be reported by the State forester to the State board of forestry and to the commissioners of public lands of this State.

SEC. 1494-123. *Sale to United States.*—When said appraisal is completed the said commissioners of public lands are hereby authorized to convey all the right, title and interest of the State therein to the United States if the United States within a reasonable time shall authorize the payment to the State of Wisconsin of the full amount found by said appraisal to be the value of said lands and the timber thereon.

SEC. 1494-124. *Proceeds to forest reserve fund.*—All moneys received for said lands and timber thereon from the United States shall be paid into the State treasury and, except when otherwise disposed of by constitutional provision, shall constitute a part of the forest reserve fund, which part shall be disbursed only for the purchase of lands by the State to be added to the State forest reserve.

SEC. 1494-131. *Forest reserve, purchase at tax sales, and other lands; cost charged to appropriation for commissioners of public lands.*—The commissioners of public lands are hereby authorized to acquire lands north of Town 33 for the forest reserve by purchase at tax sales, and other lands which may hereafter be acquired by any county under tax deeds and also lands which have been heretofore acquired

by said counties and which remain unsold. The commissioners of public lands may also, upon the request of the State Board of Forestry, purchase other lands as additions to the State forest reserve.<sup>2</sup> The cost of such purchases shall be charged to the proper appropriation for the commissioners of the public lands.

SEC. 1494-132. *County tax deeds; purchase by State.*—Whenever any county in this State north or partly north of town 33 is entitled to a tax deed upon a certificate of sale upon any real property in this State, the county clerk of such county shall at the time of deeding such land to the county, file in the office of the commissioners of public lands a list of said lands and the date of the tax deed and the record thereof, together with a statement of the total amount due the county for taxes, interest, fees and expenses in acquiring such tax title. The lands so acquired by any such county shall not be sold by the county except to the State until one year after the taking of such deed unless the commissioners of public lands shall give notice to said county that the State does not desire to acquire title thereto.

SEC. 1494-133. *County must sell to State; price; interest.*—The commissioners of public lands may select any or all of such tax title lands within one year from the date of the recording of a tax deed thereon conveying the same to the county and shall pay therefor to the county not to exceed the total amount due said county for taxes, interest, and charges together with interest not to exceed six per cent from the date of such deed, and the county clerk of any county owning any such lands is hereby authorized and directed to execute a deed of such lands to the State of Wisconsin upon payment of the purchase price thereof as agreed upon by the State and county and the purchase price thereof shall be paid to the county treasurer of such county from the general fund of the State within the amount appropriated for this purpose on the order of the commissioners of public lands after being audited by the secretary of state.

SEC. 1494-134. *Redemption from State.*—All statutes of limitations now or hereafter in force applicable to persons holding lands under tax deeds shall apply to the State and to the original owners of such lands acquired and actions may be brought against the State within the period provided by such statutes of limitation to recover such lands from the State, but in all such actions no costs shall be recovered against the State, and the original owner in case of recovery shall comply with the provisions of section 3087,<sup>3</sup> of the statutes.

SEC. 172-37. 3. *Appropriation.*—There is annually appropriated, beginning July 1, 1913, ten thousand dollars, payable from any moneys in the general fund not otherwise appropriated, for the commissioners of the public lands to

<sup>2</sup> All further purchases of lands for the State forest reserve are inhibited until the special legislative committee appointed at the 1913 legislative session shall have reported to the following regular session, and until the first day of July, 1915, upon the question of the advisability of certain lands being included within the State forest reserve. (See volume of session laws of 1913, chap. 670, sec. 2.)

<sup>3</sup> For this section, see Wis. Stat., 1913.

<sup>1</sup> For these sections, see Wis. Stat., 1913.



carry into effect the provisions of sections 1494-131 to 1494-134, inclusive.

SEC. 1072-1. 1. *Appropriation for purchase of forest reserve lands; forestry investment fund; continuous.*—There is herewith appropriated annually for a period of five years the sum of fifty thousand dollars, which amount shall constitute the "forestry investment fund," and all interest received from the said investment fund shall be added to and become a part of said fund. All moneys in such fund are appropriated and shall only be used to purchase forest reserve lands and for the traveling expenses of the legislative forest reserve committee hereinafter provided for; but any part of the appropriation not used in any year shall be available and may be used for such purpose in any subsequent year.

2. *State forester empowered to purchase.*—The State forester under the supervision of the State board of forestry is authorized to enter into contracts to purchase lands as additions to the forest reserve and to make payments on such lands from the forestry investment fund as moneys become available.

3. *Condemnation proceedings.*—Whenever the State board of forestry shall require any lands for State forest reserves and shall be unable to agree with the owners thereof upon the amount of compensation to be paid therefor, or when for any reason no such agreement can be made without, in the opinion of said board, unreasonable delay, the said board is authorized to determine the value of said lands and the damages resulting to the owner from the taking thereof in the manner and with the effect provided as to commissioners appointed by the judge of the circuit court under the provisions of sections 605, 606, 607 of the statutes.

4. *Forest Reserve Committee; report to legislature.*—On or before March 1, at each regular session of the legislature a legislative committee of five members shall be appointed in the following manner and for the following purposes, viz: The president of the senate shall appoint two members of the senate and the speaker of the assembly shall appoint three members of the assembly, and such committee shall be known as the "Forest Reserve Committee." The committee during the regular session for which they are appointed shall visit the forest reserve and report to the legislature during the same session as to the purchases of land made since the last regular session, and also prospective purchases, and so far as possible such legislative examination shall be so conducted that each legislative committee will supplement and complete the work of former legislative committees in examining both past and prospective purchases of forest reserve lands.

SEC. 1497k. *Brule river forest reserve.*—It is hereby declared to be the purpose and policy of the State to forever prohibit the building or maintaining of any dam or dams upon the Brule river or any of its tributaries in Douglas county, Wisconsin, \* \* \* It is further declared that it shall be the policy of the State to form a forest reserve of lands about and along the said Brule river and its tributaries. \* \* \*

SEC. 257. 2. *Leasing forest reserve lands; disposition of moneys from cutting hay or picking cranberries.*—In all counties or portion of counties north of town thirty-three, the State board of forestry may lease any State lands for the purpose of cutting hay or picking cranberries therefrom, under such rules and regulations and for such cash price as they may determine; but it shall not be lawful to cut any timber or do any waste thereon. In all counties or portions of counties north of town thirty-three, which are within the permanent forest reserve area, to wit: Florence, Forest, Oneida, Vilas, Iron, Price and also within the Brule forest reserve on the Brule river in Douglas county, the moneys received from the sale of hay or cranberries shall be paid into the forest reserve fund, but the moneys received from the sale of hay or cranberries in any other county or portion of a county north of town thirty-three, shall be paid by the State board of forestry to the town clerk of the town within which such hay or cranberries were sold. All moneys so received from the State board of forestry by any town clerk shall be added to the drain-age fund of the town.

SEC. 1421-30. 1. *Tuberculosis camp in forest reserves.*—The State board of control of Wisconsin is hereby authorized to establish and operate a camp and farm in the forest reserves in which persons who are threatened with or who are recovering from tuberculosis may be received and cared for, and the State board of forestry is authorized to co-operate with and aid said State board of control of Wisconsin in the erection of a camp or camps on any State forest reserve lands appropriate therefor which may be designated by said board.

3. *Employment of patients in forest reserve.*—The State board of forestry shall co-operate with the State board of control of Wisconsin in the employment of persons received into said camp and shall, so far as practicable, engage any such persons to do necessary work within the State forest reserve, \* \* \*

SEC. 4442. *Trespass.*<sup>1</sup> \* \* \*

## (2) OUTSIDE OF STATE FORESTS.<sup>2</sup>

SEC. 1494-54. *Trespass.*<sup>3</sup> \* \* \*

SECS. 1494-59; 1494-60. *Criminal and civil action.*<sup>4</sup> \* \* \*

<sup>1</sup> See this section, on p. 12, for general law prescribing penalty for trespass on State lands.

<sup>2</sup> The authority conferred upon the Commissioners of the Public Lands (consisting of the secretary of state, treasurer and attorney general), to have "the general care and supervision of all lands belonging to the State, or in which it has an interest, or which are or may be held in trust for it, unless the superintendence thereof is vested in some other officer, body or board," includes the following duties and powers of a forest administrative nature: (1) Sale and lease, and protection of such lands; (2) seizure of lumber, timber, bark, etc., unlawfully cut upon such lands; (3) withholding of patent for lands which have been trespassed upon, except upon compliance with the conditions in sec. 241, concerning payments for the land, and of the amount required as penalty for the trespass, and of all expenses connected with the seizure and care of the timber, etc., wrongfully taken, secs. 185-242; (4) sale of timber on public lands "which has been damaged by fire or winds, on such terms and in such manner as they shall deem best for the interests of the State." (Sec. 210b.)

<sup>3</sup> See this section, on p. 9, for provisions concerning trespass on State lands.

<sup>4</sup> See these sections, on p. 9, for provisions concerning criminal and civil action for trespass on State and other lands.

SECS. 1498; 1498b; 1498b-2. *Fish and game wardens; trespass reports.*<sup>1</sup> \* \* \*

SEC. 243. *Trespass; duties of sheriffs, town officers, and district attorneys; fees.*—All sheriffs and town officers are especially charged to immediately communicate to the district attorney any and all information received by them respecting the commission of any trespass or waste upon the public lands and to enter complaint against the offender before some justice of the peace. Every district attorney, immediately upon receiving information of any such trespass upon lands in his county, shall prosecute the proper criminal action against such offender and advise said commissioners thereof, and shall, when required, prosecute a civil action for damages for any such trespass or to recover the possession of any materials taken from any such land. The commissioners may order to be paid to said district attorney out of fines collected from any person guilty of such offense a sum not exceeding ten per centum, and to the witnesses or other persons furnishing information of such offense a sum not exceeding twenty-five per centum of such fines collected.

SEC. 4442. *Trespass; penalty.*—Any person who shall cut down, injure or destroy any tree or timber growing or standing upon land belonging or mortgaged to or held

in trust by the State, or who shall take and carry away any timber or wood so cut or severed, or previously cut or severed and remaining upon such land, \* \* \* or who shall wilfully, maliciously or wantonly cut down, injure or destroy any tree or timber growing or standing upon land belonging or mortgaged to or held in trust by any county in the State, or take and carry away any timber or wood so cut or severed, or previously cut or severed and remaining upon such land, \* \* \* shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

#### PART V.—MUNICIPAL FORESTS.

SEC. 776. *Powers of town meeting.*—The qualified electors of each town shall have power at any annual town meeting: \* \* \*

(12m) *Acquiring wood lot.*—To authorize the town board to acquire by purchase or otherwise a sufficient tract of land to use and maintain as a wood lot and to preserve and reforest the same under regulations approved by the State board of forestry. The sale of such wood lot may be authorized or directed in like manner.<sup>2</sup>

<sup>1</sup> See these sections, on p. 4, for duties of the fish and game wardens concerning fires and trespass on State lands.

<sup>2</sup> The employment of city foresters by boards of park commissioners in cities of the first class is authorized by chapter 408, Laws 1911. (See volume of Session Laws.)



# INDEX.

	Page.	Commissioners of the public lands—Continued.	Page.
Agricultural department, State, dean of, a member of State board of forestry (sec. 1494-41) .....	1	Purchase of lands by, for State forest reserve (secs. 1494-131 through 1494-134).....	10
Appeals:		Personnel; powers and duties concerning State forests (footnote 2 re secs. 185-242, 210b).....	11
To railroad commission (sec. 1494-57).....	4, 5	State fish and game warden to report to commissioners trespasses on State lands (sec. 1498).....	4, 12
To State forester (sec. 1494-109).....	8	To be advised by district attorneys of prosecutions for trespass on State lands (sec. 243).....	12
Appropriations:		Payment by, of fees in cases of prosecutions for trespasses on State lands (sec. 243).....	12
For salaries and other expenses of forest administration (sec. 1494-62).....	2	Committee, Forest reserve (sec. 1072-1).....	11
For State parks (sec. 1494-42).....	1	Compensation. ( <i>See</i> Salaries and expenses.)	
Salaries, etc., of employees to be charged against proper appropriation (sec. 170m).....	2	Condemnation proceedings (sec. 1072-1).....	11
For expense involved in taxation of forest reserve lands (sec. 1092m).....	9, 10	Conservative lumbering on State forest reserve (sec. 1494-43).....	8
Cost of certain purchases for additions to State forest reserve to be charged to appropriation for commissioners of public lands (sec. 1494-131).....	10	Cooperative forest work (secs. 1494-42, 1494-45).....	1, 2
For forestry investment fund (sec. 1072-1).....	11	Counties:	
( <i>See also</i> Funds.)		Cooperative forestry work (sec. 1494-45).....	2
Arrests without warrant (secs. 1494-48, 1494-54).....	3, 9	Prosecutions by, for timber trespass on lands of (secs. 1494-59, 1494-60).....	9
Ash pans (sec. 1494-57).....	4	Recovery of damages by, for railroad fires (sec. 1494-58).....	5, 6
Assistant State firewarden. ( <i>See</i> Fires.)		Payment of emergency wardens; limit of amount (sec. 1494-48a).....	3
Assistant State forester:		Cranberries, proceeds from (sec. 257).....	11
Appointment; qualifications; salary and expenses; duties (sec. 1494-46).....	2	Dams:	
Made assistant State firewarden (sec. 1494-47).....	3	Certain duties of State board of forestry and State forester (footnotes to secs. 1494-41, 1494-42).....	1
(For duties connected with fires, <i>see</i> Fires.)		Prohibited on Brule River and tributaries in Douglas County (sec. 1497k).....	11
(For other duties connected with State lands, <i>see</i> State forest lands.)		Data, forest (sec. 1494-42).....	1
Assistant town firewardens. ( <i>See</i> Fires—(1) Protective system.)		Dean of State agricultural department member of State board of forestry (sec. 1494-41).....	1
Assistants, employment of; salaries, etc. (sec. 170m).....	2	Deputies, employment of; salaries, etc. (sec. 170m).....	2
Attorney general member of State board of forestry (sec. 1494-41) ..	1	Director of State geological survey member of State board of forestry (sec. 1494-41).....	1
Boards of park commissioners, employment of city foresters by, in cities of the first class (chap. 408, Laws 1911).....	12	District attorneys:	
Boilers, screens, etc., on, and inspection of (sec. 1494-57).....	4, 5	To prosecute violators of "forest act"; penalty for failure to do so (sec. 1494-55).....	2
Bridges, timber for repair of (sec. 1494-60).....	9	To prosecute in cases of trespass upon public lands; fees to (sec. 243).....	12
Brule River Forest Reserve:		Donkey engines, screens, etc., on, and inspection of (sec. 1494-57) ..	4, 5
Dams prohibited along river (sec. 1497k).....	11	Drainage funds of towns (sec. 257).....	11
Leasing lands in, for cutting hay and picking cranberries (sec. 257).....	11	Emergency firewardens. ( <i>See</i> Fires—(1) Protective system.)	
Brush lands, screens, etc., on, and inspection of engines operated near or through (sec. 1494-57).....	4, 5	Engines (sec. 1494-57).....	4, 5
Bulletins by State forestry commission (sec. 1494-43a).....	2	Exchange of forest-reserve lands (sec. 1494-43).....	8
Camp fires (sec. 4405a).....	6	Expenses. ( <i>See</i> Salaries and expenses.)	
Camp, tuberculosis (sec. 1421-30).....	11	Farm, tuberculosis (sec. 1421-30).....	11
Cities and towns:		Federal cooperation in forestry work (sec. 1494-45).....	2
Cooperative forestry work (sec. 1494-45).....	2	Fees, to informants, district attorneys, and witnesses (secs. 1494-48, 1494-52, 243).....	3, 8, 12
(For fire duties of town officers, <i>see</i> Fires—(1) Protective system; (3) Fallow and other fires.)		Fire boxes (sec. 1494-57).....	4, 5
Town clerk to read fire laws to people (sec. 832).....	4	Fire lines, on State forest reserve (sec. 1494-43).....	8
Expenses incurred by towns (sec. 1494-58).....	5, 6	Fire notices:	
Exemption from taxation of forest-tree plantations within (sec. 1494-104).....	7	Posting (secs. 1494-50, 1494-57, 1636a, 4405a).....	4, 5, 6
Duties of town boards of review in connection with forest-tree plantations exempted from taxation (secs. 1494-106, 1494-107, 1494-108).....	7	Destruction of; penalty (sec. 1494-56).....	4
City foresters (chap. 408, Laws 1911).....	12	( <i>See also</i> Orders.)	
Clerks, employment of; salaries, etc. (secs. 1494-42, 170m).....	1, 2	Fire-killed timber (footnote re secs. 185-242, 210b).....	11
Closed seasons (secs. 1636a, 4405a).....	6	Firewardens. ( <i>See</i> Fires—(1) Protective system.)	
Commission, State forestry (sec. 1494-43a).....	2	Fires:	
Commissioners of the public lands:		(1) Protective system—	
Sale of forest reserve lands by (secs. 1494-43, 1494-61).....	8, 9	State forester to prevent and extinguish (sec. 1494-42).....	1, 2
Sale of State lands and timber within Indian reservations by (secs. 1494-121 through 1494-124).....	10	State firewarden and assistant State firewarden created; instruction and supervision of firewardens (sec. 1494-47) ..	3
		Town firewarden and assistant town firewarden created (sec. 1494-47).....	3

Fires—Continued.	Page.		Page.
(1) Protective system—Continued.		Foresters, city (chap. 408, Laws 1911).....	12
Control of State fire force (sec. 1494-47a).....	3	Forestry commission, State (sec. 1494-43a).....	2
Emergency firewardens, appointment and duties of (sec. 1494-47a); compensation; how paid (sec. 1494-48).....	3	Forestry investment fund (sec. 1072-1).....	11
Employees engaged by State firewardens, compensation of; how paid (sec. 1494-48).....	3	Forestry work, duties of State board of forestry and State forester concerning (secs. 1494-42, 1494-45).....	1, 2
Firewardens to check and prevent fires; power to arrest without warrant (sec. 1494-48).....	3	Funds:	
Firewarden powers of assistants appointed by State park board (footnote to sec. 1494-48).....	3	Forest reserve fund (secs. 1494-61, 160f, 1494-121 through 1494-124, 257).....	9, 10, 11
Citizens may be impressed; compensation; penalty for refusal (secs. 1494-48, 1494-49).....	3, 4	Forest reserve income fund (sec. 160f).....	9
Fees to informants paid by towns upon approval of State forester (sec. 1494-48).....	3	Forestry investment fund (sec. 1072-1).....	11
Expense of fire-fighting by town wardens, how paid; tax levy (secs. 1494-48, 1494-58).....	3, 5, 6	Drainage fund of towns (sec. 257).....	11
Refusal of wardens to perform duties; penalty (sec. 1494-49).....	4	(See also Salaries and expenses; Appropriations.)	
Notices (secs. 1494-50, 1494-56, 1494-57, 1636a, 4105a).....	4, 5, 6	Geological survey, State. (See Surveys.)	
Reports by wardens (sec. 1494-51).....	4	Grants of land for State forest reserve (sec. 1494-44).....	8
Arrests and prosecutions for violations of fire laws (secs. 1494-55, 1494-48, 1494-54, 1494-57, 1494-58).....	2, 3, 4-6	Grass lands, screens, etc., on and inspection of engines operated near or through (sec. 1494-57).....	4, 5
Fire duties of State fish and game warden, and deputy and special (county) wardens; created firewardens; no compensation (secs. 1498, 1498b, 1498b-2).....	4, 12	Hay, proceeds from (sec. 257).....	11
Fire lines on State forest reserve (sec. 1494-43).....	8	Highways:	
(2) Railroad fires—		District superintendents of, made town firewardens (sec. 1494-47).....	3
Screens or wire netting on smokestacks of engines; ash pans and fire boxes; spark arresters; appeals from decisions (sec. 1494-57).....	4, 5	Liabilities for timber trespass on (secs. 1494-59, 1494-60).....	9
Employees to examine locomotives (sec. 1494-57).....	4, 5	Timber for repair of (sec. 1494-60).....	9
Powers of locomotive inspectors (sec. 1494-57).....	4, 5	Indian reservations:	
Powers of State board of forestry concerning defective engines; appeals from decisions of (sec. 1494-57).....	4, 5	State lands within, included within State forest reserve (sec. 1494-43).....	8
Clearing rights of way (sec. 1494-57).....	4, 5	Sale of State lands and timber within (secs. 1494-121 through 1494-124).....	10
Combustible deposits on tracks (sec. 1494-57).....	4, 5	Individuals, cooperative forestry work (sec. 1494-45).....	2
Employees to report fires; instructions to section employees (sec. 1494-57).....	4, 5	Inspection of engines (sec. 1494-57).....	4, 5
Concentration of help (sec. 1494-57).....	4, 5	Inspectors, locomotive (sec. 1494-57).....	4, 5
Patrol, duties of corporation and of State board of forestry; expenses; civil and criminal liability (sec. 1494-57).....	4, 5	Insurable interest (sec. 1816a).....	6
Inspection of engines by State board of forestry (sec. 1494-57).....	4, 5	Lands in private ownership:	
Penalties for violation of regulations; civil liability (secs. 1494-57, 1494-58).....	4-6	Screens, etc., on, and inspection of engines operated in or near forest, brush, or grass lands (sec. 1494-57).....	4, 5
Exemption from fire precaution requirements (sec. 1494-57).....	4, 5	Fires on. (See Fires—(2) Railroad fires; (3) Fallow and other fires.)	
Railroads responsible in damages; evidence; delayed payment (sec. 1816a).....	6	Liability for timber trespass on (secs. 1494-59, 1494-60).....	9
Insurable interest (sec. 1816a).....	6	Lectures (sec. 1494-42).....	1, 2
Limitation of actions (sec. 1816b).....	6	Legislative forest-reserve committee (sec. 1072-1).....	11
(3) Fallow and other fires—		Liability:	
Closed seasons for burnings, notice of, by town supervisors (sec. 1636a); by town boards (sec. 4405a).....	6	Criminal—	
Camp fires; setting out fires; failure to extinguish; penalty (secs. 4405a; 4406).....	6	Of district attorneys and magistrates for failure to prosecute and issue warrants (sec. 1494-55).....	2
Fiscal agent, special, State forester appointed (sec. 1494-43).....	8	Of firewardens for refusal to perform duties (sec. 1494-49).....	4
Fish and game wardens, fire and trespass duties of (secs. 1498, 1498b, 1498b-2).....	4, 12	Of citizens for refusal to fight fires (sec. 1494-49).....	4
Forest lands:		Of railroads for failure to provide fire patrol or extinguish fires (sec. 1494-57).....	4, 5
Screens, etc., on and inspection of engines operated near or through (sec. 1494-57).....	4, 5	Penalties for failure to comply with requirements concerning railroad fires (sec. 1494-57).....	4, 5
(See also State forest lands.)		For violations of closed-season orders, and for failure to extinguish camp or other fires (secs. 1636a, 4405a, 4406).....	6
Forest protection and management, report upon State system of; plans for improving; cooperative work in (secs. 1494-42, 1494-45).....	1, 2	Of trespass agents (sec. 1494-53).....	9
Forest rangers, training of (sec. 1494-42).....	1, 2	Civil—	
Forest-reserve committee (sec. 1072-1).....	11	Of railroads for cost of fire patrol (sec. 1494-57).....	4, 5
Forest-reserve fund (secs. 1494-61, 160f, 1494-121 through 1494-124, 257).....	9, 10, 11	Civil action against railroads for violation of fire regulations (sec. 1494-57).....	5, 6
Forest-reserve income fund (sec. 160f).....	9	Measure of damages for railroad fires; liability to State for fire damage to State lands and for cost of extinguishing (sec. 1494-58).....	5, 6
Forest reserves, State. (See State forest lands—(1) State forests.)		Railroads responsible for fires (sec. 1816a).....	6
Forester. (See State forester.)		Limitation of actions (sec. 1816b).....	6
		Locomotives. (See Fires—(2) Railroad fires.)	
		Logging locomotives:	
		Screens, etc., on and inspection of (sec. 1494-57).....	4, 5
		Defined (sec. 1494-57).....	4, 5
		Lumbering, conservative, on State forest reserve (sec. 1494-43)...	8
		Magistrates, penalty for failure to issue warrants (sec. 1494-55)....	2
		Marsh fires (sec. 1494-48).....	3
		Menominee Indian Reservation (sec. 1494-43).....	8
		Minerals, sale of, on forest-reserve lands (sec. 1494-61).....	9
		Municipal forests, acquirement, care and reforestation, sale of (sec. 776).....	12



	Page.		Page.
Munsee Indian Reservation (sec. 1494-43).....	8	State board of control of Wisconsin (sec. 1421-30).....	11
Notices:		State board of forestry:	
Posting (secs. 1494-50, 1494-57, 1636a, 4405a).....	4,5,6	Personnel, dates of meeting, compensation (sec. 1494-41).....	1
Destruction of (sec. 1494-56).....	4	Appointment of State forester; supervisory power over (secs. 1494-42, 1494-45).....	1,2
Order by State board of forestry for railroad patrol (sec. 1494-57).....	4,5	Biennial reports (sec. 1494-42).....	1,2
Orders for closed season for burnings (secs. 1636a, 4405a).....	6	Care and protection of State lands acquired for public park purposes, expenditure of appropriations therefor (sec. 1494-42).....	1,2
Nurseries on State forest reserve (sec. 1494-43).....	8	Duties concerning dams and reservoirs (footnote to sec. 1494-41).....	1
Orders:		Approval of appointment of assistant State forester (sec. 1494-46).....	2
By State board of forestry for railroad patrol (sec. 1494-57)...	4,5	Locomotive inspectors designated by, defective engines; appeals from inspectors' decisions (sec. 1494-57).....	4,5
For closed season for burnings (secs. 1636a, 4405a).....	6	Railroad fire patrol (sec. 1494-57).....	4,5
Park commissioners, boards of, employment of city foresters by, in cities of the first class (chap. 408, Laws 1911).....	12	Inspection of engines (sec. 1494-57).....	4,5
Parks. (See State parks; Boards of park commissioners.)		Appeals from decisions by board concerning fire protection devices on engines (sec. 1494-57).....	4,5
Patrol, railroad fire, duties of corporation and State board of forestry (sec. 1494-57).....	4,5	May exempt railroad companies from fire regulations (sec. 1494-57).....	4,5
Plantations:		(For duties connected with State forest reserves, see State forest lands—(1) State forests.)	
Exempt from taxation (secs. 1494-101 through 1494-111).....	6-8	Approval by, of regulations governing municipal forests (sec. 776).....	12
On State forest reserve (sec. 1494-43).....	8	(See also State forestry commission.)	
Portable engines, screens, etc., on and inspection of (sec. 1494-57).....	5	State cooperation in forestry work (sec. 1494-45).....	2
Purchase of lands for State forest reserve. (See State forest lands—(1) State forests.)		State firewarden. (See Fires—(1) Protective system.)	
Railroad commission of Wisconsin:		State fish and game warden (secs. 1498, 1498b, 1498b-2).....	4
State forester to assist, in determining value of certain lands (footnote to sec. 1494-42).....	1	State forest lands:	
Appeals to, from decisions of State board of forestry concerning defective engines, and fire-protection devices (sec. 1494-57).....	4,5	(1) State forests—	
Railroads. (For Fire precautions, see Fires—(2) Railroad fires).		Creation of State forest reserve (sec. 1494-43).....	8
Rangers, training (sec. 1494-42).....	1,2	Sale and exchange of forest-reserve lands (sec. 1494-43)....	8
Reforestation (secs. 1494-42, 1494-45).....	1,2	Management of State forest reserve; assistance; conservative lumbering; nurseries; fire lines, etc.; sale of wood, timber, etc. (secs. 1494-42, 1494-43).....	1,2,8
Reports:		State forester appointed a special fiscal agent (sec. 1494-43).....	8
By State board of forestry (sec. 1494-42).....	1,2	Advances to State forester to pay temporary laborers (sec. 1494-43).....	8
By State forester (secs. 1494-42, 1494-122).....	1,2,10	Grants of land for State forest reserve (sec. 1494-44).....	8
By State forestry commission (sec. 1494-43a).....	2	Survey of water powers on reserve (sec. 1494-43a).....	2
By firewardens (sec. 1494-51).....	4	State trespass agents; personnel, appointment, duties (secs. 1494-52, 1494-53, 1494-54).....	8,9
By fish and game wardens (secs. 1498, 1498b).....	4	Fees to informants in cases of trespass prosecutions (sec. 1494-52).....	8,9
By trespass agents (sec. 1494-54).....	9	Oath of trespass agents not to purchase State lands or products, etc.; penalty for violation (sec. 1494-53).....	9
By forest-reserve committee to legislature (sec. 1072-1).....	11	Power of trespass agents to arrest without warrant; reports (sec. 1494-54).....	9
Reservoirs, certain duties of State board of forestry and State forester (footnotes to secs. 1494-41, 1494-42).....	1	Criminal liability for trespass on (secs. 1494-59, 4442).....	9,12
Rewards to informants (secs. 1494-48, 1494-52).....	3,8,9	Civil liability for trespass on (sec. 1494-60).....	9
Rights of way:		Forest-reserve fund (secs. 1494-61, 160f, 1494-121 through 1494-124, 257).....	9,10,11
Clearing; patrolling (sec. 1494-57).....	4,5	Forest-reserve income fund (sec. 160f).....	9
Responsibility of railroads for fires along (sec. 1816a).....	6	Taxation of forest-reserve lands; appropriation therefor (sec. 1002m).....	9,10
Salaries and expenses:		Sale of State lands and timber within Indian reservations; proceeds to go, in part, to forest-reserve fund for purchase of State forest-reserve lands (secs. 1494-121 through 1494-124).....	10
Of State board of forestry (sec. 1494-41).....	1	Purchase by commissioners of the public lands as additions to State forest reserve (secs. 1494-131 through 1494-134).....	10
Of State forester, assistant State forester, and other employees (secs. 1494-42, 1494-46, 170m).....	1,2	Cost of purchases charged to proper appropriation for commissioners of the public lands (sec. 1494-131).....	10
Appropriations for salaries, etc., of forest officers (sec. 1494-62).....	2	Annual appropriation for purchase of State forest reserve lands by commissioners of the public lands (sec. 172-37)...	10,11
Expenses of fire fighting by town wardens, how paid; tax levy for; on State lands (secs. 1494-48, 1494-58).....	3,5,6	Annual appropriation, for five years, to constitute the forestry investment fund; purposes; continuous (sec. 1072-1).....	11
Compensation of emergency wardens and employees, how paid by counties and State; county limit (sec. 1494-48a)...	3,4		
No compensation to fish and game wardens for acting as firewardens (sec. 1498b-2).....	4		
Cost of railroad fire patrol (sec. 1494-57).....	4,5		
(See also Funds; Appropriations.)			
Sale of forest-reserve lands (secs. 1494-43, 1494-61).....	8,9		
Sale of State lands and timber within Indian reservations; proceeds to go, in part, to forest-reserve fund (secs. 1494-121 through 1494-124).....	10		
Sale of wood, timber, etc., on State forest reserves (secs. 1494-43, 1494-61).....	8,9		
Screens on engines (sec. 1494-57).....	4,5		
Secretary of State board of forestry (sec. 1494-42).....	1		
Sheriffs, to report trespasses on public lands (sec. 243).....	12		
Spark arresters (sec. 1494-57).....	4,5		
Special fiscal agent, State forester appointed (sec. 1494-43).....	8		
State agricultural department, dean of, a member of State board of forestry (sec. 1494-41).....	1		

	Page.		Page.
State forest lands—Continued.		Streams; survey of water powers (sec. 1494-43a).....	2
(1) State forests—Continued.		Surveys:	
Purchases of additional lands by State forester (sec. 1072-1)	11	State geological and natural history survey, study of forests of	
Condemnation proceedings (sec. 1072-1).....	11	State by (footnote to sec. 1494-42).....	2
Forest reserve committee, report by, upon purchases of		Survey of water powers (sec. 1494-43a).....	2
forest reserve lands (sec. 1072-1).....	11	Cooperative work in forest surveys (sec. 1494-45).....	2
Further purchases of lands for State forest reserve inhibited		Swamp fires (sec. 1494-48).....	3
temporarily (footnote to sec. 1494-131).....	10	Taxation:	
Brule River Forest Reserve (secs. 1497k, 257).....	11	Taxation of forest-reserve lands; appropriation for (sec. 1092m)	9,10
Leasing forest-reserve and other State lands for cutting hay		State forester to report on plans for improvement of forest taxa-	
and picking cranberries; timber trespass or waste there-		tion (sec. 1494-42).....	1,2
on prohibited; proceeds to go into forest-reserve fund,		Tax levy by towns for cost of fire fighting (sec. 1494-48).....	3
and to town clerks for drainage fund of town (sec. 257)...	11	Forest tree plantations—	
Tuberculosis camp in forest reserves; employment of pa-		Exemption from taxation; thinning out (sec. 1494-	
tients (sec. 1421-30).....	11	101).....	6,7
(2) Outside of State forests—		Filing of plats (sec. 1494-102).....	7
Water-power survey on (sec. 1494-43a).....	2	Cancellation of exemption by State forester (sec. 1494-	
Commissioners of the public lands in charge of; powers and		103).....	7
duties (footnote re secs. 185-242, 210b).....	11	Exemption within 2 miles of city or village; approval	
Sale, lease, and protection of lands; seizure of timber, etc.,		of State forester (sec. 1494-104).....	7
cut in trespass; withholding of patents; sale of damaged		Privilege inviolable (sec. 1494-105).....	7
timber (footnote re secs. 185-242, 210b).....	11	Valuation of land prior to planting (sec. 1494-106).....	7
Power of trespass agents to arrest without warrant; re-		Meeting by town board of review for valuation (sec.	
ports (sec. 1494-54).....	9	1494-107).....	7
Criminal liability for trespass on (secs. 1494-59, 4442).....	9,12	Record of valuations (sec. 1494-108).....	7,8
Civil liability for trespass on (sec. 1494-60).....	9	Valuation after planting; appeals to State forester	
Fire and trespass duties of fish and game wardens (secs.		(sec. 1494-109).....	8
1498, 1498b, 1498b-2).....	12	Exemption period (sec. 1494-110).....	8
Sheriffs, town officers, and district attorneys to see to prose-		Corporations entitled to privilege (sec. 1494-111).....	8
cutions for trespass; fees (sec. 243).....	1,2	Threshing engines, screens, etc., on, and inspection of (sec. 1494-	
State parks under charge of State board of forestry; appro-		57).....	4,5
priations for (sec. 1494-42).....	1,2	Town firewardens. ( <i>See</i> Fires—(1) Protective system.)	
( <i>See also</i> State lands in general.)		Town officers:	
State Forest Reserves. ( <i>See</i> State forest lands—(1) State forests.)		(For fire duties of, <i>see</i> Fires—(1) Protective system, (3) Fal-	
State forester:		low and other fires.)	
Appointment; qualifications; salary and expenses; supplies		To report trespasses on public lands (sec. 243).....	12
and equipment (secs. 1494-41, 1494-42, 170m).....	1,2	Towns. ( <i>See</i> Cities and towns.)	
Powers and duties—		Traction engines, screens, etc., on, and inspection of (sec. 1494-57).	4,5
Appointment by, of clerks, deputies, and other assist-		Trespass, timber:	
ants; compensation and expenses (secs. 1494-42,		State trespass agents, personnel; powers and duties (secs. 1494-	
170m).....	1,2	52, 1494-53, 1494-54).....	8,9
Secretary to State board of forestry (sec. 1494-42).....	1,2	General authority to prevent forest trespass vested in State	
Charged with execution of State forestry matters;		forester (sec. 1494-42).....	1,2
management of State forest reserves; collection of		Fish and game wardens, trespass duties of (secs. 1498, 1498b,	
forest data; prevention and extinguishment of fires;		1498b-2).....	4,12
prevention of forest trespass; lectures (sec. 1494-42).....		District attorneys, sheriffs, and town officers, duties concerning	
Cooperative forest work (secs. 1494-42, 1494-46).....	1,2	trespasses on State lands (sec. 243).....	12
Appointment by, of assistant State forester (sec.		Liability for trespass; criminal (secs. 1494-59, 4442, 243); civil	
1494-46).....	2	(secs. 1494-60, 243).....	9,12
Made State firewarden (sec. 1494-47).....	3	Disposition of penalties (sec. 1494-61).....	9
(For duties connected with fires, <i>see</i> Fires; for other		Tuberculosis camp (sec. 1421-30).....	11
duties connected with State lands, <i>see</i> State forest		United States:	
lands—(1) State forests, (2) Outside of State forests.)		Federal cooperation in forestry work (sec. 1494-45).....	2
(For duties connected with forest tree plantations ex-		Penalties for fires on lands of. ( <i>See</i> Fires—(3) Fallow and other	
empted from taxation, <i>see</i> Taxation.)		fires.)	
State forestry commission:		Liability for timber trespass on lands of (secs. 1494-59, 1494-60).	9
Survey of water powers; report thereon (sec. 1494-43a).....	2	Sale of State lands and timber within Indian reservations to	
( <i>See also</i> State board of forestry.)		(secs. 1494-121 through 1494-124).....	10
State geological and natural history survey:		United States Department of Agriculture, certificate from, as to	
Director of, a member of State board of forestry (sec. 1494-41).	1	qualifications of State forester (sec. 1494-42).....	1
Study of forests of State by (footnote to sec. 1494-42).....	2	University of Wisconsin:	
State lands in general:		President of, a member of State board of forestry (sec. 1494-41).	1
Fires on. ( <i>See</i> Fires—(2) Railroad fires, (3) Fallow and other		Instruction of forest rangers (sec. 1494-42).....	1,2
fires.)		Wardens, fire. ( <i>See</i> Fires—(1) Protective system.)	
Survey of water powers on (sec. 1494-43a).....	2	Waters; survey of water powers (sec. 1494-43a).....	2
Liability for timber trespass on (secs. 1494-59, 1494-60, 4442)...	9,12	Wind-felled timber (footnote re secs. 185-242, 210b).....	11
( <i>See also</i> State forest lands.)		Wire netting on smokestacks (sec. 1494-57).....	4,5
State parks:		Wisconsin Railroad Commission. ( <i>See</i> Railroad Commission of	
Under charge of State board of forestry; appropriations for		Wisconsin).	
(sec. 1494-42).....	1,2	Working plans, forest, cooperative work in preparing (secs. 1494-	
Firewarden powers of assistants appointed by State park board		42, 1494-45).....	1,2
(footnote to sec. 1494-48).....	3		
Stockbridge Indian Reservation (sec. 1494-43).....	8		